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Order Regarding Motion for Sentence Reduction

UNITED STATES DISTRICT COURT

NORTHERN

District of

NEW YORK

UNITED STATES OF AMERICA

vs.

JOSEPH SHARPLEY

**ORDER REGARDING MOTION FOR
SENTENCE REDUCTION PURSUANT TO 18
U.S.C. § 3582(c)(2)**

Case

Number: 5:04-cr-00388-001

USM

Number: 12771-052Lisa Peebles, Esq.

Defendant's Attorney

Date of Previous Judgment: August 5, 2005

(Use Date of Last Amended Judgment if Applicable)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:☒ DENIED.**I. COURT DETERMINATION OF GUIDELINE RANGE** (Prior to Any Departures)Previous Offense Level: 28

Amended Offense Level: ____

Criminal History Category: IV

Criminal History Category: ____

Previous Guideline Range: 180 months as required by statute

Amended Guideline Range: _____

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE☐ The reduced sentence is within the amended guideline range.

☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

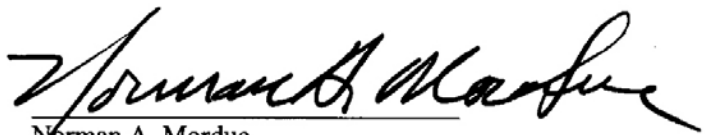
☐ Other (explain): _____

III. ADDITIONAL COMMENTS

The defendant was sentenced to a 10 year mandatory minimum sentence on Count 1 and a consecutive 5 year mandatory minimum sentence on Count 2.

IT IS SO ORDERED.June 5, 2009

Order Date



Norman A. Mordue

Chief United States District Court Judge

Effective Date (if different from order date)